



# FACILITY COMPLIANCE AUDIT REPORT

## Division of Waste Management Solid Waste Section

### UNIT TYPE:

Lined MSWLF	<b>X</b>	LCID	<b>X</b>	YW	<b>X</b>	Transfer		Compost		SLAS		COUNTY: BUNCOMBE PERMIT NO.: 11-07 FILE TYPE: COMPLIANCE
Closed MSWLF		HHW	<b>X</b>	White goods	<b>x</b>	Incin		T&P	<b>X</b>	FIRM		
CDLF	<b>X</b>	Tire T&P / Collection	<b>X</b>	Tire Monofill		Industrial Landfill		DEMO		SDTF		

Date of Audit: 11/03/08.

Date of Last Audit: 03/30/07

### FACILITY NAME AND ADDRESS:

Buncombe County Solid Waste Management Facility  
85 Panther Branch Road,  
Alexander, NC 28701

**GPS COORDINATES: (Decimal Degrees) N: 35.72600 W: -82.63655**

### FACILITY CONTACT NAME AND PHONE NUMBER:

Jerry Mears, Buncombe County Solid Waste Director  
Kristy Smith, Buncombe County Bioreactor Manager  
Telephone: 828-250-5462

### FACILITY CONTACT ADDRESS (IF DIFFERENT):

n/a

### AUDIT PARTICIPANTS:

Andrea Keller, NCDENR– Solid Waste Section (SWS)  
Bill Wagner, NCDENR– SWS  
Jerry Mears, Buncombe County  
Kristy Smith, Buncombe County

### STATUS OF PERMIT:

Issued September 12, 2006  
Expires September 12, 2011

### PURPOSE OF AUDIT:

Partial Audit  
Primary purpose – review ACM Demonstration of Soil/Mulch Daily Cover

### NOTICE OF VIOLATION(S):

15A NCAC 13B .1625(a) states that: The operator of an MSWLF unit shall maintain and operate the facility according to the operation plan prepared in accordance with this Rule. The Buncombe County MSWLF 11-07 Permit and operations plan allows for the acceptance of Land Clearing waste and the mulching of this debris. Land Clearing waste is defined by 15A North Carolina Administrative Code (NCAC) 13B .101(23), which states that: *Land Clearing waste means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.* Additionally, the permit approved Operations Plan for the facility cites Land Clearing Debris in Section 5.1 as – *solid waste which is generated **solely** from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.* And, in Section 5.3 that Land Clearing Waste *will be handled at the tub grinder and sold as mulch.*

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During the inspection, the following materials were found to be commingled throughout the land clearing debris pile: small pieces of trim with white paint, treated wood both painted (red) and unpainted, particle board, and what appeared to be bundles of construction and demolition wood waste.



Buncombe Co. is **in violation of 15A NCAC 13B .1625(a)** in that on November 3, 2008, painted and treated wood was found in the Land Clearing Debris pile and mulching process, thus violating the operational requirements for the facility to *maintain and operate the facility in accordance with the requirements set forth in this Rule and the operation plan.*

**In order to achieve compliance, Buncombe Co. must, by December 14, 2008, remove all unallowable waste from the Land Clearing Debris pile and mulching process and properly dispose of this material.**

In addition, **15A NCAC 13B .1626 (2)(a)** states that *the owners or operators of all MSWLF units must cover disposed solid waste with six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.* While Buncombe Co. had been operating the working face under an Alternative Cover Material demonstration period, **15A NCAC 13B .1626 (2)(b)**



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states that the alternative material must *control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.*

Buncombe Co. is **in violation of 15A NCAC 13B .1626 (2)(a)** in that on November 3, 2008, a lack of adequate cover was observed on the working face of Cell 6. In particular, the east portion of Cell 6 exhibited evidence of scavenging, an excess of blown litter, and exposed food wastes.



**In order to achieve compliance, Buncombe Co. must immediately begin covering all disposed solid waste with six inches of earthen material, or more if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging. All work must be completed by December 21, 2008.**

You are hereby advised that, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For the violation(s) noted here, you may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

**STATUS OF PAST NOTED VIOLATIONS:**

RESOLVED: 15A North Carolina Administrative Code 13B .1626(8)(d)

**AREAS OF CONCERN AND COMMENTS:**

1. The Soil/Mulch ACM demonstration period operations were audited. The mixing area for soil/mulch ACM was located in both a dedicated area (below LCID/T&P area) and on the working face. It appeared as though the soil/mulch was mixed at the 3:1 ratio.
2. The LCID/T&P area was inspected. The land clearing debris pile is placed next to the tub grinder, and this pile is utilized to generate the both the mulch in the ACM and the mulch sold to the public. The debris pile contained

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the following unacceptable materials: leaves/yard trash, painted wood, and treated wood.

- a. Yard waste and yard trash must be composted under the 15A NCAC 13B Section .1400 Solid Waste Compost Facility regulations. This provision applies to *facilities that accept, store, or produce compost or mulch from yard waste or from residues from agricultural products and processing*. Please work to comply with the composting .1400 regulations and contact me if you have any questions. These operational changes should be captured in the permit modification and the updated operational plans.
- b. **All plastic, vinyl, metal, and treated or painted boards must be removed and segregated from your feed stock (for the mulching process) piles.**
3. The active working face was inspected as part of the review of the soil/mulch ACM demonstration. It appeared as though the region of the most recent waste disposal activities contained the best application of the soil/mulch ACM. The daily cover in this region appeared to be satisfactory and much improved since the previous site visit. **In the Demonstration Report, please discuss how often the soil/mulch mixture was used in relation to other ACM materials and soil only applications.**
4. During the previous site visit of August 14, 2008, there was discussion with Buncombe County personnel regarding the need to improve their daily cover. At the time of this audit little improvement was observed across the rest of the working face. In particular the eastern corner of Cell 6 exhibited uncovered waste, possibly due to the practice of scraping daily cover in an effort to conserve soil and/or the traffic patterns on the working face. There was evidence of scavenging and exposed food waste. **These conditions violate the 15A NCAC 13B Section .1626(2)(a) Operational Requirements governing the control of disease, vectors, fires, odors, blowing litter, and scavenging.** Follow-up site visits will be ongoing throughout the compliance period.
5. Windblown trash was observed along the north and eastern edge of Cell 6. Proper daily cover assists in the control of windblown materials.
6. It was determined that in addition to the approved demonstration of the soil/mulch ACM, previously demonstrated ACM methods (tarps and Posi-shell) were also in use. At this time, no permit modification had been made to incorporate these ACM methods. Thus use of these ACM methods is not approved and should be stopped immediately. It is recommended that during the upcoming permit modification the operations plan be updated to discuss the specific usage requirements for each ACM (specifically calling out when each ACM can be in use).

Please contact me if you have any questions or concerns regarding this audit report.



(signature) Phone: (828) 296-4700

**Andrea Keller**  
Environmental Senior Specialist  
**Regional Representative**

Delivered on : <u>12/1/08</u> by		hand delivery		US Mail		Certified No. <u>[7002 0460 0001 9899 4636]</u>
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cc: Mark Poindexter, Field Operations Branch Supervisor  
Deb Aja, Western District Supervisor  
Donald Herndon, Compliance Officer